THE ERIE RAILWAY.

ANNUAL REPORT TO THE STOCKHOLDERS.

The Earnings and Expenses---General Operations for the Past Year.

Dividends on the Preferred Stock To Be Resumed Forthwith.

To THE STOCKHOLDERS OF THE ERIE RAILWAY COMPANY:—
At the close of the last fiscal year, September 30, 1871, the railroads owned and controlled by lease by

Main Line—Jersey City to Dunkirk.

Northern Raitroad of New Jersey—Bergen to Nyack.

Backensack and New York Railroad—Junction to
Cherry till.

Backensack Extension Railroad—Cherry Hill to
Naturet
Paterson and Newark Railroad—Paterson to Newark.

Fiermont Hranch—Piermont and Sudern.

Newburg and New York Railroad—Greenwood Junction to Vall's Gate.

Newburg Branch—Newburg to Greycourt.

Honesdale Branch—Lackawaxee to Honesdale.

Jefferson Railroad—Susquehanna Junction to Carbondale

Chemung Railroad—Junction to Watkins.

Buffalo, New York and Lrie Railroad—Corning to
Buffalo. New York and Lrie Railroad—Corning to
Buffalo. New York and Lrie Railroad—Aron to Buffalo.

Rochester and Genesee Valley Railroad—Aron to Rochester.

Inflato aranch—Hornellaria ester. o nranch—Hornelisvide to Attica , Bradford and Pittsburg Railroad—Carrollton to Gliesville.

Suspension Bridge and Eric Junction Raliroad—Buffalo to Suspension Bridge.

Second track
Side tracks.

On 64 k miles, from Waverley to Watkins and from
Buffalo to Suspension Bridge, a third rail has been
had to anmit of the passage or narrow gauge trains,
which is equivalent to a track of You also furnish train service and operate by con

nery and Live Ratiroad-Goshen to Montgomery
Walkail Valley Kahrond-Montgomery to New Faltz.
Middletown, Unionville and Water Gap RailroadMiddletown to Unionville
Monticello and Port Jervis Railroad-Port Jervis to
Monticello Monticello
Weehawken Branch Railroad and Fort Lee Railroad—
East end of Tunnel to Stock Yards.....

 Prom passenger trains
 \$2,72,054

 From freight trains
 11,881,989

 From other sources
 333,840

*Expenses of operating and repairs (72.5 per cent). 12,445,305

"The expenses of operating and repairs for five preceding genrs were: -1-63, 74,3 per cent; 1897, 71,5 per cent; 1898, 77 sper cent; 1898, 78 per cent; 1898, 79 per

during the year are shown as follows:— PASSENGER EUSINESS-OCTOBER 1, 1879, TO SEPTEMBER 30, 1871.

| BERT 20, | Total Namber | Carried in Stanfor | Carried in Stanfor | E8, 125 | Through, west | 1.84 70 | Way, east | 1,618 701 | Way, west | 1,624,116 One Mil. 19, 25, 140 80, 75, 436 46, 200, 205, 51, 148, 651 Total, east and west. 3,509,462 148,242,290

The business of the preceding year is show in the tollowing statement:—
FASSENGER BUSINESS OCTOBER 1, 1869, TO SEPTEM-

Recenue. 8423, 106 554,827 1,050,274 1,139,168 Total, east and west 8,275,025 183,549,109 PREIGHT BUSINESS, 1870. Total Carried On- Mills, 212,188,953 81,710,201 487,4,0,874 97,502,528

Total, cast and west 4,852,505 598,864,718 \$12,328,027 The following statement of the source and amount of coal traffic on your road during the last year, not-withstanding the "long strike," shows a gratifying

COAL TRAFFIC, YEAR ENDING SEPTEMBER 30, 1871. From No.
Hawley I
Houselet Carbon dale
Einghamton
Waverly
Corning
Atton No. of Cur Londed. 53,873 41,946 21,511 6,874 44,472 74,562 1,500 280,328 2,576,562 \$3,010,964

The shipments from Hawley, Honesdale, Carbondale and Binghamton were anthracite; shipments from Waverly both anthracite and bituminous, and from Corning and Alton shipments were of bitumi-

from Corning and Alton shipments were of butuminous coal.

On the 1st of September your lease of the Atlantic and Great Western Railway was surreidered, and that road passed into the possession of the Trustees of the new Atlantic and Great Western Railway, in the dufference between the recorpts and expenditures of the road, was a loss; but the actual result in retaining that line in the interest of the broad gauge system, and working directly with and bringing business to your railway was undoubtedly very beneficial, and, if the profits of the business, to and from that railway, on your road, east of Salamanca, have not already more than compensated for the direct local loss, the fact that that road has been preserved from the possession of other lines, rivals to you in the carrying trade between the seacoast and the West, and will continue to work harmoniously in your interest, warrants the feller that the untimate result will prove the lease to have been entered into and carried out by you en perfectly sound business principles. Arrangements have been made with the new Atlantic and Great Western Railroad Company for the interchange of business, and for the working of the whole line in the same common interest as during the time of the icase, and that company has assumed your contract and lease with the Cincinnail, hamilton and Darton Railroad Company for the use of the broad gauge tracks between Pavion and Ethechnail on such terms as relieves you from pecuniary responsibility of the contract; but, at the same time, dustines to your road the benefit of all through business to fluid in contract; but, at the same time, such same line, and the first haline.

Ameable and satisfactory business relations have been maintained with the Lake Shore and Michigan Contract and the procuring business to and from the West over the narrow gauge lines is a Cheveland, and, at the same time, by the construction of this Suspension Bridge and Eric Junction Railroad conference in the future, while the local business as the procurin

your main line an additional amount of through business.

The Newark and Hudson Italiroad is in course of construction, and will soon be completed from the west end of dergen Tunnel to a connection with the Pulerson and Newark Railroad at Newark. This road will have a large local passenger business to iring to your ferry, as it will reach a part of the my of Newark at present not having the benefit of a rul line to New York, and it will very much enhance the value of the Paterson and Newark Railroad and the country through which it trues.

The Hackensack Extension Railroad Company is extending its road to Grassy Point, above Baverstraw, on the Hudson River, which will add much the value of your lease of that road.

During last year a contract was made with the

new Uceanic Steam Navigation Company, by which the landing of their steamships was secured at Long Dock, and arrangeonis made for mutual exchange of business. This contract has had the effect of adding to the reveaue of your ferry when any of their steamships nave been in port. That commany expects to have chough ships completed to form a regular weekly line early next spring, the advantages oil which will be felt by your road as well as by the ferry.

When the present management assumed charge of your road we found the use of the Bergen Tunnet very seriously interfered with by trains of the Delaware. Lackawama and Western Railroad Company, lessee of the Morris and Essex Railroad, and on looking into the matter it was found that a contract had been made in 185, with the deboken Land and Improvement Company for a small road, as contemplated by the contract, under authority subsequently obtained from the Lagislature of New Jersey, they built an independent road to Newark, and there consected with the Morris and Essex Railroad; by exteading that road west they made connection with the Pennsylvania roads, and so on te all points in the Western country, and this was the road they were operating through the tunnel without any charge therefor. On calling attention of the officers of the Delaware, Lackawama and Western and Morris and Essex roads to the matter, and requesting an account and settlement for the use of the tunnel, they claimed the right granted under the contract of 1853, for a branch of the New Jersey road, and refused action on our request, so that we were obliged to resort to the Couris. Suit was commenced in Chancery of New Jessey, to which they put in an answer in substance same as they had given to us, and at same time claimed that your company had, by acquicescence in their construction of the contract of 1853, for a branch of the New Jersey road, and refused action on our request, so that we were obliged to resort to the Couris. Suit was commenced in Chancery of New Jessey, to the contract of 1853,

had the benefit, while we have been trusting the federal government would readjust the pay and fix it at a proper amount.

The expenditures for repairs and new constructions on the line of the road, for the convenence of the public and improvement of your property, have been continued from time to time in accordance with the established policy as indicated in the annual report of 1863. The economy in the use of steel and steel-headed rails is being clearly demonstrated every day, from the fact that with a large increase in the number of miles of road operated and to be maintained, the quantity of new rails required for repairs is constantly decreasing, and the condition of the track is at the same time improving. During the year ending September, 1870, there were used in repairs of track 2,872,558 feet, or 52,228,000 pounds of rails, while in the last year we used but 2,644,062 feet, or 53,632,000 pounds, showing a saving of 51 miles of rails, or 25½ miles of road and 2,918 gross tons, and your track was in better order at the close of the last year than at the close of the last year than at the close of the preceding year. It is confidently expected that the cost and quantity of new rails required for repairs will largely decrease every year from this time. We have, so far, put in the track about 100 miles of solid steel rails and 314 miles of steel-headed rails.

The economy in the use of these rails is shown, also, in the cost of repairs and condition of the rolling stock, and also in the more expeditious manner in winch the largely accumulating number of trains are run over the road from the decrease in the number of Ecclients, by broken or delective rais throwing cars and engines from the track, and the consequent darange and destruction of rolling stock.

In the matter of bridges we have continued the section of reading whose required, the woo lengthes the accumulating number of the reading and reading the section of realing stock.

in the matter of bridges we have continued the In the matter of bridges we have continued the system of rearwing, when required, the woo len structures with iron; and at this time two of the most important bridges on the line, which were for single track only, are being renewed with iron and enlarged for double track; one over the Passaic River, west of Paterson, is 365 feet long, of three spans; and one over the behaware River, and Delaware and Hudson Canal, west of Port Jervis, is 763 feet long, of five spans—one span of 170 feet, three spans of 155 feet each, and one span of 140 feet. The former bridge is being constructed by the walson Manufacturing Company of Paterson, on the plan of Mr. S. S. Post, and the latter by the Kellogg Bridge Company of Buffalo, on the plan of Mr. Kellogg.

Bridge Company of Bufialo, on the plan of Mr. Keltogg.

The benefit of the arrangements made by the present management for lessening the cost of ruel consumed in locomotives, which is one of the largest items of the daily cost of operations, is now being sensibly felt, as is snown in the following statement of the cost of fuel during the five years last past:—1967, 22c, per mite run; 1870, 10c, per mite run; 1871, 10c, per mite run; 1871, 10c, per mite run; 1871, 10c per mite run; 1870, 10c, per mite run; 1871, 10c per mite run; 1870, 10c, per mite run; 1871, 10c per mite run; 1870, 10c, per mite run; 1871, 10c per mite run; 1870, 10c, per mite run; 1871, 10c per mite run; 1870, 10c, per mite run; 1870, per mite run; 1870, 10c, per mite run; 1870, per mite run; 1870, per mite run; 1870, per mite run; 1870, per

an economical cost of operations, are beginning to have effect, and go to show that the policy of making the several expenditures with the view of securing permanent improvements, as specified in the last published annual report, is amply vindicated by the result. In conclusion, I have the pleasure of communicating the following report of a special committee and a resomition of the Board of Directors.

At a meeting of the Board of Directors of the Eric Raniway Company, held at the office of the company, December 28, 1871, the following report was submitted:—

was Submitted:—

To The President and Directors of the Erie Rautway Company:—

Gentlenen.—The committee to whom was referred the subject of the earnings and expenses of the road for the earning the expediency of declaring dividends on the preferred stock, having examined the statements submitted by the Auditor of the company, find that for the first at months of the year there were no surplus earnings applicable to the payment of dividends on the preferred stock of this company, but that for the last six months of the year the surplus earnings are such as to warrant the payment of dividends for that periot, and give promise of such carolings as to justify the hope that the company will be enabled to continue uninterruptedly the payments of dividends bereatter; and we would therefore respectfully recommend the resumption of dividends on the preferred stock from the last of July last; and that the frist dividend of three and a half percent be made payable on and after the Sist of January next. Respectfully submitted,

New York, Dec. 27, 1871.

EDWIN ELDRIDGE.

and the following resolution was adopted:—

Whereas it appears to this Board, from an estimate of the earnest in that period to justify the resumption or dividends on the preferred stock; therefore Respectfully submitted;

Whereas it appears to this Board, from an estimate of the earnest in that period to justify the resumption of dividends on the preferred stock; therefore of dividends upon the preferred stock that the first divident amount has orbitably been than dividend of three and one-half per cent for the period of its mouths endesg. December 31, 1871, be raid on and after January 31, 1872, upon demand of the preferred stock botters whose tames shall appear upon the books of the company as such on December 31, 1871.

Recovered, This the transfer books of the preferred stock of this cornoration be closed December 30, 1871, at two o'clock 17, M, to remain closed that the Sist day of January, 1872.

For full details of the last year's operations 1 refer TO THE PRESIDENT AND DIRECTORS OF THE ERIE RAIL-

For full details of the last year's operations I refer to the statements made in the form prescribed by the Legislature of this State.

JAY GOULD, President.

NEW YORK, Dec. 28, 1871. RIPARIAN RIGHT, IN JERSEY.

another Check to the Railroad Laud-Grab

bers-Citizen Rights Which Even Railroad Companies Are Bound to Respect.

One of the most vexed questions in New Jersey for at least half a decade past has been who does and who does not own land under water along the shores of its coast, its bays and its rivers. Readers of the HEBALD will remember that during the fall of 1859 a serious conflict took place between certain private citizens of Newark and the Newark and Paterson Railread Company. The property of Mr. F. W. Stevens and W. M. Porce fronted on the Passaic, just below Woodside, and ran to the water's edge. They had a sort of wharf there which was used for private purposes. Along came the railroad company, whose line was mapped out along the shore, and forcibly took possession, despite the remonstrance of mapped out along the shore, and forcibly took possession, despite the remonstrance of Stevens and Force, who claimed ownership of the property. The railroad company laid the same claim, giving as their warrant the act of the Legisliaure granting them the charter. Stevens, in ochiaif of the owners, then brought sait against the company for obstructing his free passage to the river. Judge Depue decided in his favor. The case was carried to the Court of Appeals and that Court decided two points, first, that the State could grant to any one the right to occupy the land under water without compensating the riparian owner; second, that in this case the State had not granted to the railroad company the right to occupy the land under water, and that they were more wrong doers and liable to Stevens for damages. The company, however, without regard to this decision, began the erection of a double track, in which they were restrained by the Court of Chancery. In the meantime, under advice of connsel, the shore owners had niled in the water beyond and outside of the railroad track and made solid land of what formerly had been under water, which, under the wharf act, gave then a fee simple in the reclamation, including what was occupied by the track.

They inconvended the railroad track and made solid land of what formerly had been under water, which, under the wharf act, gave then a fee simple in the reclamation, including what was occupied by the track.

They inconvended the plantiffs were within M. Efficiency in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts in which had leased the Paterson road. These cutts, in which had leased the Paterson road. These cutts in

the plaintiffs, except in cases where the company had before condemned and paid for the shore and upland. The cases will now either be settled by the company paying for the land or they will be appealed to the Supreme Court, where the decision of Judge Depue will probably be sustained.

NEWFOUNDLAND.

The Grievances of Fishermen-Seal Skin in Its Early Stage-Return of the Labrador Fle:t-Difficulties Arising from the Monticello Question-The Address of the Legislature to the Governor-The Governor Appeals to Great Britain-The Herald Enterprise.

ST. JOHNS. Dec. 15, 1871. The pauper relief system, which has been at last successfully opposed by the anti-confederate regime in this island, had proven uself an unbearable encumbrance upon a government whose revenues are is circumscribed as the population of the island is small. The sums realized by poor men in every portion of the island by the unprecedented success of the last seal fishery cause unusual improvements to be made in every branch of industry. The prosperity enjoyed on account of the issue of the seal fishery has been amply maintained by the almost fabulous result of the Labrador and other fisheries of Newfoundland.

Still, in spite of the continued good fortune of the hardy fishers, there is a mercantile wooply exist-a most despotic system of levying extortionate prices upon the "supplies" taken by each fisherman at the peginning of each voyage. In order to sub-serve the naurious interests of these mercantile autocrats, the fisherman, who earns his every cent amid dangers at which the outer world wonders, and by the most excessive toll that wears away the at the option of his master in payment of his valuable service. This matter I would submit to the HERALD, as it is at least just for the world to know that the hardy and warm-hearted fishermen of this inclement region suffer the most grievous of wrongs, which have continued through the past century without any palliation.

The return of the last of the Labrador fleet concludes a fall trade which has no precedent, comparatively speaking, in any other country. The harbor of St. Johns is alive with shipping, and

THE PLAGS OF MANY NATIONS stream from every balyard. The bastle on the wharves at this time is as bewildering as the thorough ares of Broadway. The most noteworthy employment is the "gaffling" and "barrowing" of fish, in which many brawny and red-faced women par-ticipate, and the weighing of the precious seal which hereafter will deck the heads of fashionable beaux. The soft and rich-looking seai skins which are exposed in the windows of furriers' stores in New York have once been submitted to the plebelan usage which is at first met with by cowhides and sheep skins. Many vessels have already left this port and Harbor Grace bound to Naples, Genoa and Leghorn and several Spanish ports. The trade of Newfoundland with the West Indies and Brazil has been considerably enhanced by the success of the tate cod and herring fisheries. Consequently many vessels have lately left and are about to leave this port for those of the above countries.

As preparations are already being made for the concerning the number of American ships that will engage in that incrative voyage in 1872. These

engage in that lucrative voyage in 1872. These speculations have revived the voxations question of THE MONTICELLO'S CLAIMS, which placed the government in profound consternation. As an item of international importance, and one which will materially affect the interests of American capitalists in the sealing, whalms and other fisheries, I enclose you a copy of the address of the Legislative Council to the Governor of Newfoundiand, in view of the anticipated inteference of foreign capitalists with the fineries of the island. The address is signed by the President of the Council, and passed the legislative body after a stormy debate, which continued through a whole session:— To His Excellency Colonel Hitt., C. B., Governor and Com-

mander-in-Cheir-mander-in-Cheir-mander-in-Cheir-Council of Newfoundand in session convened, respectfully submit the following statements in reference to the question of the prosecution of the seal makery from our ports of the vesses of foreign nations:—

It is unnecessary for us to make any particular refer-ences to the case of the United States steamship Monthelior, which first led to the consideration and discussion of the

vesses of foreign nations:

It is unnecessary for in to make any particular references to the case of the United States steamship Monticello, which first the consideration and discussion of the Subject by the Legislature, as the creamship monte have already come under Your Subjects to be observation.

The subject is the subject to the subject to the complete and interest present to us to present itself in one or both of two views, vir. —either as the infraction of cataling treaties, or as an intrusion with which, in the absence of a treaty, the colony has, turough its Legislature, a complete and inalignable right to deal as a question of maritime and territorial right.

A. The matter appears to us to present heeft in one or both of two views, viz.—either as the infraction of existing treaties, or as an intrusion with which, in the absence of a treaty, the colony has, inroogh its Legislature, a complete and inalienable right to deal as a question of maritime and territorial inght.

3. If the tirry whe terms of the Convention of Lefk American is the tirry whe terms of the Convention of Lefk American elements of any of the coasts, bays, creeks and harbors of Her Majesty's dominions in America, sare the liberty of taking fish on certain defined parts of the coast of NewYoundand and Labradon, and to any and curre the same in unsettled localities; and by thit convention and the imperial sact 56, Geo. S. cap. 55, they would have no right limits for any other purposes whatever than those of shelter or repair, of purchasing wood and obtaining water, under the penalities of that act, and subject to any order or orders of Her Majesty in council, or of the Colonial Governor, in pursance of such orders.

4. The curry othic maresting and clearance, and subsequent return of the hip incursion, and the manufacture of excepted in the said act and convention, and within the prohibited limits, and is the commencement of a foreign trade and industry woich, if unrestricted may probably assume such dimensions and importance as very certonial; to damage the interest of the trade and people of this colony; excellent interests of the trade and people of this colony; excellent mare the Treaty of Her and the architecture of seals into oil.

8. If it be held that the seal, being an amphibious mammal, it is not a "shalt" nor the present conducting the business of ability and the result which is the country not the present conducting the business of activating a "fine-tirent" of the conduction of the trade will are; and we submit that our territorial and maritime southority with reference to the calculation of the present conduction of the present of the colony is made and control of the contragation of the

Firsh" in treating of the doubtful order of seals.

The following is the Governor's reply:—

MR. PRESIDENT AND GENTLEMEN OF THE LIGISLATIVE COUNCIL—I thank you for your address in reference to the question of the prosecution of the seal fishery from our ports by the ressets of foreign nations, and for the fishers you dispay in this important matter and in the general affairs of the colony. I shall have much pleasure in transmitting your commitmention, which embodies subjects worthy of careful consideration, to the Right Honorable the Secretary of State for the colonies.

It is believed by many that the adjustment of this question by the British authorities will entait serious difficulties, as it is well known that England will favor the colony and object to the coming of Yankee seal numers into those waters, which, it is said, have been secured to Newfoundland by a special clause in the Treaty of Utrecht. But there are others who, sympathizing with the good manners and pluck of the captain and men of the Monticello, would apply to the action and issue of the government in this instance:—

Patteriest montes et assetur reliculus mus.

HERALD ENTERPRISE.

Partirlent montes et nassetur riliculus mus.

HERALD ENTERPRISE.

The enterprise of the HERALD in securing exclusive news of the arrival of the Grand Duke of Russia at a time when the whole civilized world was aware that the Russian feet accompanying His Highness was due at New York, created much admiration even in this duil and iethargic atmosphere. The HERALD also had an exclusive necount of the murder of Mrs. Serry and her brother, which has created more intense excitement in this country than any circumstance within the memory of the oldest inhabitants.

THE HONEST HARBOR MASTERS

Official Investigation Into the Hart Case-Lawyers at Loggerheads-A Storm in a Teapot-How Wharfingers Work the Oracle.

The court convened to inquire into the charges ately brought to the notice of Governor Hoffman by a number of merchants who considered themselves aggrieved, was opened yesterday forenoon by Captain James E. Jones, the Port Captain of New York, at his office, near the junction of Pearl and and merchants were present, and took a lively interest in the proceedings.

called was Mr. Parish, of the firm of E. W. Coleman & Co., whose representations to the Governor of the State conduced to the present inquiry. In answer to the interrogations of Mr. Lyon, the witness stated that he was not personally acquainted with Mr. then present. All that he knew personally about Hart having stored some flour consigned to their and stored in a warehouse and that the warehouseman rendered the bill of charges made out under the caption, "Harbor Master's Account of Whom it May Concern;" his further knowledge he had gained by hearsay by the testimony of his Harbor Master; the flour was landed upon pier No. 6 East River, and there were two lots-the first stored on July 26, the second November 13; it was stored in both instances in warehouses at Nos. 46 and 48 Water street; witness did not remem ber having seen the flour while it was on the dock; had a conversation with the storekeeper regarding it while it was in the latter's possession; the current rates for storage differ at certain seasons of the year, though they have varied but little during the present one: in July last the rates were:-Cartage. four cents a barrel; labor, three cents a barrel and three cents per barrel per mensem for storage; the insurance was ten cents per \$100 per month.

Counsellor Davis (for Mr. Hart)-In your letter you say "the flour was stored by the orders of a warehouseman named Gardiner, who was apparently acting Haroor Master in the matter." How

do you arrive at that conclusion?
Wirness-From Gardiner's statement to me and not from any information derived from Hart; I produce the original bill of storage for July and a copy of the November one; I do not know whether Hart had any orders or request to store the flour from

of the November one; I do not know whether Hart had any orders or request to store the flour from any one.

By the PORT CAPTAIN—We were never notified to remove the flour. No notice could have been given our firm without my knowledge.

WARM DISCUSSION.

At this stage of the proceedings Mr. Davis interposed, and a very wordy argument was the result of Captain Jones' stating that the next case could proceed until the other witnesses in the present case were producable. Mr. Brett, the President of the Shipowners' Association, took a hand in this little fray, as Mr. Davis argued that the prosecutors of predecutors of his innocent client had been making charges they were unable to sustain or substantiate, and that, a formal Court having been opened, it was clearly the duty of the Port Captain not to lapse out of the customary method of taking evidence. Air, Brett urged that he came with his colleagues as merchants, not as lawyers, and to assist Captain Jones in investigating the charges brought against the narbor masters. The discussion waxed warm, and there was some danger of there being an explosion in the court room, which is small as the galley aboard a first class coad boat.

The Captain of the Port at length restored order, taking a firm stand and asserting that he was utterly unbhased in the matter, but was fully determined to ferret out the truth of the allegations, as he had been instructed by Governor horfman, he would issen pariently to all the evidence tendered on either side, yet would render no verdict until it was all given in every case. In order to admit or the production of the principal witness in the next case, the Court would take a recess until hall past one o'clock.

AFTER RECESS.

case, the Court would take a recess until half past one o'clock.

AFTER RECESS.

Punctually at the hour appointed the Captain of the Port resumed his judical seat and called the case et Hancy & Parker against Harbor Master Hart. The complainants had followed the defendant's idea, and obtained counsel in the person of Counsellor Benedict to conduct their case.

Archibaid T. Haney was the winess called, and, after swearing to the truth of the contents of an adiabatic owarded by his firm to Governor Horiman, Mr. Davis commenced to cross-examine him. After testilying that he belonged to the firm of Haney & Parker, which does business at No. 25 Coenties sitp, and that to his knowledge Hart had been Harbor Master of the district in which their house is situated for about a year, he was asked whether he applied to Hart for a berth for the bark Torryborne, and replied in the negative.

Mr. Davis—Did you apply to any one?

WITNESS—Yes, to William K. Nivers, the wharfinger, with whom we made a bargain for the bark to be towed from Brooklyn to pier No. 6, East River, for \$40, to include towage and berth; that was about the 5th of December.

Mr. Davis—Was \$40 a fair and reasonable charge for towing the Torryborne to that berth?

Mr. DAVIS—Was \$40 a fair and reasonable charge for towing the Torryborne to that berth?

WITNESS—No: I should say \$12, at the outside, would be sufficient.

Mr. DAVIS—What were you to pay him the balance

Mr. Davis—What were you to pay him the balance for?
Witness—For the berth.
Mr. Davis—Was that the amount of legal wharfage on the vessel?
Witness—It had nothing to do with it; we expected to pay that besides; nivers did not represent to me that he was a harbor master or that he had any authority to act for one; I did not go to the Harbor Master and ask him to assign me a berth in order to avoid paying the extortionate charge; I did not consider I had any occasion to do so.
Mr. Davis—Will you state to what you allude in your affidavit as "the first instance?"
WITNESS—I allude to the case of the schooner Leading Star, on November 28, 1870; I did not apply to the Harbor Master on that occasion for a berth for that vessel; I agreed to pay \$15 for berth and towage to the whatfinger, whose name I do not know.

Mr. Davis—What was the towage fairly worth?

know.
Mr. Davis—What was the towage fairly worth?
Mr. Davis—I have paid for that towage \$10; I
have never applied to Hart for a berth; I had no
communication with him in reference to either of
the vessels in question until they were fast to the
dock.

Mr. Davis-Did you ever apply to him to allow

dock.

Mr. Davis—Did you ever apply to him to allow those vessels to remain?

WITNESS—I dul, and the reason he gave me for the removal of the Torryborne was that the law proublied him to allow her to remain.

Mr. Davis—Have you ever heard that Hart was endeavering to prevent the whardingers in his district from exacting fliegal fees, and that he had said no vessel should occupy a berth for which fliegal fees had been pair?

WITNESS—I have heard that Mr. Hart has received bribes and fliegal fees himself.

ANTERE COMMOTION.

This was the signal for a general commotion, as Mr. Davis strennously objected to the witness being allowed to answer in such a manner. Mr. Benedict assumed he had, and the Port Captain was nugatory until it became incumbent upon him to request the gentlemen present to "behave as such." Beth Mr. Davis and the witness Rancy possess fuent tongnes, and a wonderful amount of recrimination was the result of their strike. At length the storm subsided, and Mr. Benedict proceeded to examine Hancy. The first question he asked was why the witness applied to the wharfinger for a berth for the bark Torryborne? Defendant's counsel objected to the question, but was overruled by the Court.

WITNESS—I applied to him occase it has been always customary to do so in that district.

for the bark Torryborne? Defendant's counsel objected to the question, but was overruled by the Court.

Witness—I applied to him occause it has been always customary to do so in that district.

Mr. Benedict—Will you state the circumstances in the Leading Star case? (Objected to, but overruled by the Court.)

Witness—I applied to the wharfinger at pier? for a berth for her and towage from Twenty-fourth street, North River, to load in our line for St. Johns; I think the price I was to pay for betth and towage was \$15; the wharfinger sent his boat and towage was \$15; the wharfinger sent his boat and towage was \$15; the wharfinger sent his boat and towage was \$15; the wharfinger sent his boat and towage was \$15; the wharfinger sent his boat and towage was sib; the wharfinger sent his boat and towage was sib; the the add care objected, on the captain came and told me Hart had ordered him to shitt the vessel. (Mr. Davis here objected, on the ground that hearsay evidence was inadiated by the court of the there is the court of the there, and asked him way he had ordered the vessel to move; he replied that she could not come in there; that he had read the law to the skipper of the schooner, and given him a certain time in which to move; just prior to this Hart threatness to end let the schooner drift away if Hart carried out his threat; I went to look for another berth, and, when I returned, I found that it art had hailed a teg, and had the vessel towed out into the stream, for warch I had to pay \$4.

that that that the stream, for which I had to pay \$4.

The Court at this stage wished to adjourn, but permitted Mr. Davis to ask a few more questions, the first of which was, "Have you been in the habit of paying to wharfingers more than legal wharfage?" This the witness declined to answer, whereupon Hart's counsel taunched out in eulogy of his client, declaring that that unfortunate Harbor Master was being persecuted by unscrupious merchants because he refused to allow them to buy permission to occupy the best berths from corrupt wharfingers. To the hest question Hancy replied:—"I knew that the law fixed the rate of wharfage when I made the bargain with Niver: I did not know at the time I made the bargain that I was paying him \$28 more than the law allowed, for I did not know the law allowed one cent for any berth."

berth."

Mr. Davis — Why did you pay that \$23?

Witness—Because it has got to be a custom in the port of New York to pay for a berth, otherwise one could not be obtained.

Mr. Davis—Paying whom?

Witness—The parties we agree with for the berth; I never pald a Harbor Master, knowing that to be

one; I have always understood that the Harbor Masters received a portion of the money we paid the wharfingers or stevedores whom we employed to engage a berth.

Mr. Davis—Did you ever understand when you paid money that you did so to influence Harbor Master Hart in the performance of his official duties? Witness—I won't say that.

After some squabbling the Port Captain, thinking another discussion of an unpleasant nature probable, declared the Court adjourned until half-past ten A. M. to-day.

BROOKLYN AFFAIRS

Revenue Seizure.

A horse and wagon and five barrels of illicit whiskey were captured in Hicks street yesterday morning by one of the Assistant Assessors. The property was turned over to the United States Marshal.

Deaths in Brooklyn. The mortnary reports from the Board of Health snow the number of deaths in Brooklyn during the past week to have been 223, an increase of 12 over the previous week. Of the deceased 45 were men, 61 women, 67 boys and 55 girls. There were 22 deaths from smallpox.

Cowardly Attack on a Liquor Dealer. Thomas McGregor and Thomas Brumley were taken before Justice Walsh yesterday on a charge of having committed an assault on James McCaffrey,

Smallpox, it is said, is still increasing, seventy two cases having been reported during the past week. Bonds to the amount of \$10,000 are now being prepared in order to provide means to pay the necessary expenses incurred in the employment of extra physicians to vaccinate all who stand in need of it. A number of physicians are to be employed on Tuesday next by Health Officer Cochran, who now feels greatly encouraged at the assistance he is receiving, and hopes soon to be able to check the spread of the contagion.

Charles Johnson, the Brooklyn Fire Warden, who shot young Henry in a barroom affray in the saloon of William Donaldson, at the corner of Hudson avenue and Plymouth street, on Christmas avenue and Plymouth street, on Christmas morning, is still at large, while his victim, it is said, lies at the point of death at the Brooklyn City Hospital. The efforis on the part of the police of the Second precinct, in which the afray occurred, if any have been made, have not been successful in bringing this rowdy to justice. In order to make a show of doing something they arrested five of the parties who were present at the time of the shooting between nine and ten o'clock on Wednesday night. Yet even this fact they failed to telegraph to the Central Office. It is intimated that no particular effort has been made to find Johnson. The names of the parties arrested are as follows:—William Allen, Bartlay Gunning, John McDonaid, William J. Donaidson and Hugh Brady. These men were taken before Justice Walsh yesterday morning and discharged on their own recognizance.

The Cost of Cleaning the Streets.

	The contracts for cleaning the streets in the differ-
1	ent wards in Brooklyn for 1872 were awarded yester-
	day to the following named persons:-
	First ward—Patrick Lyens. \$3,500 Second ward—Owen Dougherty 5,800 Third ward—Patrick Dunn. 4,978 Fourth ward—Patrick Lyons. 4,140 Fifth ward—Patrick Gossen. 6,940 Sixth ward—Andrew McKeom. 5,500
	Seventh ward—Thomas Mullen. 3,980
	Eleventh ward - Patrick Dunn
	Sixteenth ward—Henry J. Simm 2,986
	Twenty-first ward - Thomas Mullen 3,5th Twenty-second ward - Cormics McGovers 1,550

THE NATIONAL GAME.

The New Mutual Club Nine for 1872. The Mutual Club held their regular annual meeting on Tuesday night, at their headquarters in Eighth avenue, and the following efficient corps of officers were chosen to manage the club affair during 1872: -

uring 18th — Judge Anthony Hartman.

Vice President—James Moffet.

Secretary—Alexander V. Davidson.

Treasurer—William McMahon.

Board of Directors—Messrs, James Hayes, James
lorrer, Bernard Kenney, Stephen O'Brien and

Varren Payds.

Board of Directors—Messrs, James Hayes, James Gorrey, Bernard Kenney, Stephen O'Brien and Warrea Davids.

Jimmy Hayes is the well known and popular Assemblyman, Jimmy Gorry is the new Superinfendent of Markets, Bernard Kenney is Harbor Master, and Steve O'Brien is brother of the Sheriff and Engineer of the Board of Education.

Last year the Club officials were all in the Tammany interest, This year they are all of the O'Brien regime. The Directors have secured a very strong nine, including the following well known players:—Catcher—C. Mills, of the Mutuals of 1871.

nine, including the following well known players:—
Catcher—C. Mills, of the Mutuals of 1871.
Pinchor—Cummings, of the Stars of 1871.
Pirst base—Start, of the Mutuals of 1871.
Second base—Halfield, of the Mutuals of 1871.
Short stop—Pearce, of the Mutuals of 1871.
Left field—Bechtel, of the Atlantics of 1871.
Left field—Bechtel, of the Atlantics of 1871.
Right field—McMullin, of the Haymakers of 1871.
The Haymakers hold written papers from Cummings, and it is a question whether they will allow him to play with any club except the Atlantics.
The Mutuals are going in strong for the streamers in 1872, as will be seen from the above list of crack professionals whom they have secured for their new run.

CURLING.

There was a large gathering of anid Scotla's sons at the Curling Pond at Central Park yesterday, the occasion being the first match of the season between the St. Andrews and Empire City clubs, of this city, four rinks being laid out on the pond, two of which were occupied by the contesting clubs, one by the Caledonian Cinb and the other by a field party. The weather was propitions for a keen enjoyment of the sport, and the lee was in splendlid condition and the result was a very fine exhibition of the beauties of the national winter game of Scotland. Up to lunch time, at bail-past two, the contest at the first rink, at which skips Henderson and Moore were contesting captains, was close and exciting, the record standing at 6 to 5 only in favor of the St. Andrews side. At the other rink, in which skips harrymple and Mencels were engaged, the figures at the time named stood at 9 to 4 in layor of St. Andrews. Play was resumed at three P. M. and when time was called at half-past four the score of the match stood as follows, the St. Andrews club coming off the victors by a majority of eight shots: tween the St Andrews and Empire City clubs, of

eight shots:—

Rink, St. Andrews. Empire City.

No. 1—J. Henderson. 18 A. Moore.

No. 2—A. Dairympie. 17 H. McNeish.

rink.

On January 2 the grand match between the Paterson Club and the Caledonian Club, of this city, is to take place at Central Park, and as five rinks are to be laid out a very exciting contest is anticipated. The Paterson Club have been practising since November and they are eager for the fray, so the Caledonians will have to look to their laurels.

SKATING.

The cold northwester which set in on Wennesday night led to a resumption of skating yesterday, the sport not having been enjoyed since Christmas morning. The ball was up carry at Central Park, and in the afternoon all the Park lakes were througed with skaters, especially on inc sheltered pond at fifty-ninth street. In Brookyn, too, the ball was up at Prospect Park, excellent skating being had on the large like, near the Coney Island road. The increased cold weather of last night will insure skating through the holidays.

To-night the grand reserved day festival takes place on the Capitoline Lake, which is to be brilliantly illuminated with calcium lights, and there is to be a lancy dress carnival on the 14th.

SUSPICIOUS DEATH OF A WOMAN. A woman, named Anna Ebert, who had resided

with her husband, on Sixth street, Morrisania, Westchester county, was found dead in bed under rather suspicious circumstances yesterday morning. According to the statement of her husband, the deceased had lately indulged excessively in stimulants, and on more than one occasion threatened to take his life. This state of affairs induced him to sleep in a separate apartment. It seems that deceased old not make her appearance at broakfast, as usual, yesterday morning, and her sister, on going to ascertain the cause, found her dead, as above stated. A vint, labelled 'poison,' the contents of which had been used occasionally for external application in cases of rheumatism, was found empty in the from occupied by deceased. Although the Coroner had not arrived at a late hour yesterday afternoon the dead woman was already carefully coffined, while a severe contusion under the left eye suggested other means of death than that of self-destruction. It is well known, however, that necessed and her husband have not lived happily together. A rigid investigation as to the cause of death will doubtloss be made by Coroner Bathgate. Westchester county, was found dead in bed under

THE INDIAN COMMISSION.

THIRD ANNUAL REPORT.

Condition of the Different Tribes of Indians.

The Board of Indian Commissioners, in making their third annual report, find abundant cause for thankfulness and encouragement while reviewing the condition of the Indians in the United States during the past year.

CONFIDENCE AND GOOD WILL BETWEEN WHITES The remarkable spectacle seen this fall on the plains of Western Nebraska and Kansas and Eastern Colorado of the warlike tribes of the Sioux of Dakota, Montona and Wyoming, hunting peacefully for buffalo without occasioning any serious alarm among the thousands of white settlers whose caoms skirt the borders on both sides of these plains, hows clearly that the efforts of the friends of peace in establishing confidence between the white people, and the Indians in this heretofore greatly disturbed section of the country have been eminently successint. We contrast this picture with that presented by the same tribe, when, five years ago, in consequence of our government's bad faith in violating its treaties with them, they were engaged Kearney massacre, in which ninety-eight of our soldiers were killed in sight of the fort, and in the course of which many of the settlers on the frontier lost their lives, and so many hundreds of others

were compelled to abandon their cabins and fice to the larger towns for safet.

PEACEFUL RELATIONS WITH RED CLOUD AND THE SIOUX.

With the exception of some slight manifestations

of ill-will against the progress of the Northern Pacide Railroad, caused by a misunderstanding, this numerous and powerful tribe has been perfectly friendly during the past year. The Cuairman of the Board held a council at Fort Laramie with Red Cloud and his principal chiefs in June, and found them unchanged in their professions of a deter mination to maintain peaceable relations with the whites. He could hear of no complaints against them since they abandoned the warpath in the spring of 1870. His report will be found herewith,

whites. He could hear of no complaints against them since they anandoned the warpath in the spring of 1870. His report will be found herewith, marked A a:—

When Red Clond visited Washington, in July of last year it was maintained by a portion of the Western press and the people of the frontier that his return would be marked by the renewal of outrages upon the settlers. Happily, the prediction was not realized, and peace stil continues. The Sloux are extremely sensitive in regard to the slightest encroachment upon tueir reservation, or the hunting grounds allotted to them in the treaty of 1868, and have objected even to the sexholishment of an agency for their own beuefit within its limits. They are impressed with the conviction that where one white man is allowed to enter their territory many will inevitably follow. In view of their past experience, we cannot think them unreasonable in this. The same wise consideration which led the government to withdraw the garrisons of Forts Reno, C. F. Smith and Philt Kearny, in 1865, and to prevent the proposed Big Horn expectation in 1870, should induce a proper effort to gain their consent by negotiation before permitting any breach of the treaty stipulations by the invasion of their hunting grounds by surveying or exploring parties. It is believed that the privilege which may be deemed necessary for the Northern Pacific Ratioad Company may be had by a negotiation at a moderate cost, whereas the attempt to setze it without would probably occasion a renewal of the war.

PRESENT CONDITION OF CHEXENNES AND ARAPABEEN.

The Chegennes and Arapanees are generally contented upon their new reservation. The schools, under care of the Friends, are gaining their confidence, and their condition has stifficiently think the provided and already may be removed. In addition to the treaty of the Board, that the government while provements. The condition of the Osages is most unsatisfactory. On the representations of the committee of the Board, that the government while provements. The c

THE APACUES OF NEW MEXICO AND ARIZONA.

The only other Indians who have caused any serious trouble are the Apaches of New Mexico and

The condition of the partially civilized tribes on established reservations has materially improved. The covetons desire of white people, generally living near these reservations, to obtain possession of the lands, either for occupation or speculation, ied to the infroduction at the last, session of Ongress of several bills providing for the removal of the Indians and the sales of the lands, without due regard to the rights of the Indians or the sacretic obligations of traities. When the attention of Congress was sent to the Indians or the sacretic obligations of traities. When the attention of Congress was such as the Indians of the sacretic obligations of traities. When the attention of Congress was such as the Indians of the Indians of the Sent Pollars in Massistation of the Indians of Original Ballicks in the Indians of Original Ballicks in Indians of the Indians of Progress and Washington is vasily before than Individual statements and common rumor have led us to anticipate. Many of them are Industrious and labor on their reservations, and others, as at Grand Ronde and along Paget Sound, labor for the farmers or at the saw mills and receive the commendation of their employers and the agents. They have adouted the costume and are rapidly acquiring the habits of the whites. Some of them are Christians and exemplary for their consistent lives. There are also many who have learned more of the vices than the virtues of civilization. This class, attracted as they are to the vicinity of towns and raffords, are most frequently seen by the cluzen and the raveler and give a mistake of the Indians of Origin and Washington were only placed upon reservations from len to firee years ago, but low of them more than twolve, it must be admitted that their progress towards civilization has been wonderfully rapid.

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A serious detriment to the progress towards civilization has been wonderfully rapid.

NER D of civil, Law over Indians, and they are not brought into paceful relations with the go

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